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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/935,540 | 08/23/2001 | Mark Kirkpatrick | BE1-0008US | 8674 |
| 49584 | 7590 | 01/26/2006 | EXAMINER | |
| LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201 | | | LE, KAREN L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2642 | |

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/935,540 | KIRKPATRICK, MARK |
| | Examiner | Art Unit |
| | Karen L. Le | 2642 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,7-10,13-17 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,7-10,13-17 and 21-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| (1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-10, 13-17 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication "LASS: Putting the telephone customer in charge" by Brant Hirschman, grant swinehart, and Marie Todd on May 1985 in view of McConnell (U.S. 5,436,957), and further in view of Metcalf (Pub. No. 2002/0085700).

Regarding claims 1, 13 and 21, Hirschman teaches in a telecommunication system and apparatus configured to provide a connection between a caller and a callee (page 14, column 2, lines 26-27), a method for blocking future calls from the caller to the callee (page 14, column 2, lines 21-24), the method comprising:

Connecting a call from the caller to the callee (page 14, column 2, lines 26-27); receiving a first instruction from the callee to access a service to block future calls from the caller to the callee (page 14, column 2, lines 27-29); storing the first telephone number associated with the caller in a caller block table (page 14, column 2, lines 29-31), and

Preventing one or more phone calls from the first telephone number from being forwarded to a second telephone number associated with the callee (page 14, column 3, lines 2-9).

Hirschnam does not teach the use of Advanced Intelligent Network (AIN), service data point (SDP), service switching point (SSP) in the telecommunication system to connect between a caller and a callee. However, McConnell's system provides a centralized database within the telephone switching operations through multiple end offices. Local and toll offices of the public telephone network detect a call processing event identified as an AIN "trigger". An office that detects a trigger, however, will suspend call processing, compile a call data message and forward that message via a common channel interoffice signaling link to a Service Control Point (SCP) that includes the database. The SCP can instruct the central office to obtain and forward additional information. The SCP accesses its stored data tables to translate the received message data into a call control message to the office of the network that then use the call control message to complete the particular call (McConnell, Fig. 1, items 40, 11, 15, 17). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Hirschman's system into McConnell's system to provide a connection between a caller and a callee to allow the callee to prevent the caller from establishing the connection with the callee via an AIN. That is, using Hirschman's feature in a different environment such as the AIN would have been obvious.

Art Unit: 2642

Hirschman does not teach enable the user to manually identifying a first telephone number associated with the caller, providing at least one callee selection via a voice prompt responsive to the first instruction, and receiving a second instruction from the Callee. Playing a callee-selected message back to the caller when the caller attempts to call the callee. However, Metcalf teaches providing at least one callee selection via a voice prompt responsive to the first instruction, and receiving a second instruction from the callee (Col. 4, paragraph 0034 and paragraph 0038 and abstract, lines 5-12). Metcalf teaches a method for a user receiving an unwanted phone call to send a control signal to a telephone service provider in order for the service provider to then play back a message that will dissuade the caller from calling again. Metcalf also teaches another embodiment permits a user to playback messages of her choosing by pressing one or more buttons on a telephone keypad. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Metcalf's feature to Hirschman's system to block future calls from caller to the callee using voice prompt and second instruction from the callee. The claimed "voice prompt" and claimed "pressing one or more buttons on a telephone keypad" are very popular in telecommunication system.

Regarding claims 2,14 and 22, Hirschman further teaches receiving the first instruction from the callee includes: detecting an off-hook signal from callee; and receiving a predetermined code from the callee (page 14, column 2, lines 27-29).

Art Unit: 2642

Regarding claim 3, Hirschman further teaches predetermined code includes at least one of the following:

one or more digits; and one or more non-numeric symbols (page 14, column 2, lines 26-27).

Regarding claims 4 and 23, Hirschman further teaches identifying the first telephone number includes maintaining a record of the most recent telephone number that was a source of a call placed to the second telephone number immediately prior to receiving the callee's instruction to block future calls from the caller to the callee, and consulting the record to identify the most recent telephone number as the first telephone number (page 14, column 2, lines 27-32).

Regarding claim 5, Hirschman further teaches receiving the predetermined code includes:

receiving a first portion of the predetermined code, prompting the callee to send a second portion of the predetermined code; and receiving the second portion of the predetermined code (page 14, column 2, lines 29-32).

Regarding claims 7-9, Hirschman does not teach prompting the callee to perform administration tasks, prompting the callee to record a message to be played to the caller, to select a pre-recorded message to be played to the caller when the caller is blocked from placing a call to the callee, and further comprising enabling the caller to

Art Unit: 2642

record the message in the caller's own voice. However, Metcalf teaches prompting the callee to perform administration tasks, prompting the callee to record a message to be played to the caller, to select a pre-recorded message to be played to the caller when the caller is blocked from placing a call to the callee, and further comprising enabling the caller to record the message in the caller's own voice (Paragraph 0034 and 0038).

Regarding claim 10, Hirschman further teaches charging a subscription fee to the callee and charging a per-usage fee to the callee (page 10, column 1, lines 42-44).

Regarding claim 15, Hirschman does not teach comprising a database in communication with the SCP. However, McConnell teaches comprising a database in communication with the SCP (Col. 8, lines 15-24).

Regarding claim 16, Hirschman does not teach an interactive voice response system in communication with the SCP and the SSP. However, McConnell teaches an interactive voice response system in communication with the SCP and the SSP (Col. 7, lines 55-62).

Regarding claim 17, Hirschman does not teach comprising a service creation computer in communication with the SCP. However, McConnell teaches a service creation computer in communication with the SCP (Col. 8, line 15-24).

Response to Arguments

3. Applicant's arguments with respect to claims 1-5, 7-10, 13-17 and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le
KLL

January 20, 2006



AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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